

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : : EXPEDITED PROCEDURE
David MINODIER et al. : : Response under 37 CFR 1.116
: : Confirmation No. 7469
: :
U.S. Patent Application No. 10/598,595 : : Group Art Unit: 2443
: :
Filed: September 5, 2006 : : Examiner: JOHN, CLARENCE

For: METHOD AND SYSTEM FOR ACCREDITATION FOR A CLIENT ENABLING
ACCESS TO A VIRTUAL NETWORK FOR ACCESS TO SERVICES

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF

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Sir:

This paper is submitted in reply to the Final Office Action mailed *May 27, 2009*, and the Advisory Action mailed September 1, 2009.

Applicants respectfully request review of the final rejections of all claims. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal in compliance with *37 CFR 41.31* and the fee set forth in *37 CFR 41.20(b)(1)*.

The review is requested for the reasons stated on the attached sheets.

REASONS

The rejection of claims 1-9, 11-12, 15-16, as presented prior to the final rejection, under U.S.C. §102(e) as being anticipated by *Prasad*, U.S. Patent No. 7,197,125 is wrong because *Prasad* fails to disclose all elements of independent claims 1 and 11, upon which all other claims depend.

Prasad manages services to which a user of a telecommunications device (e.g., PDA, mobile phone) subscribes. In particular, *Prasad* relates to modifying the services subscribed to by the user. *Prasad* allows the user to select one or more supplementary services to which the user would like to subscribe (column 13, line 42 to column 14, line 51). Access to this (these) service(s) is only possible when the user is logged in (column 13, lines 44-45) and when the user has sufficient privileges to access the requested services.

Independent claims 1 and 11 are respectively directed to a method of and system for authenticating a client for access to a virtual network (claim 1) or a telecommunications network (claim 11); the method and system allow the client to access services provided by service providers. As recited in claim 1 and 11 above, a determination is made as to the compatibility of the software of the client with a predetermined access control protocol for access to the virtual network (claim 1) or the telecommunications network (claim 11). If the software of the client and the protocol are not compatible, information which enables the software of the client and the predetermined access control protocol to be compatible is transferred to the client.

Paragraph 57 of the instant published application includes a description of at least the transfer of information to enable the software of the client and the predetermined access control protocol to be compatible according to an embodiment.

Prasad does not disclose or suggest software installed in a telecommunication

terminal (client) for which compatibility is determined. Instead, *Prasad* only discloses a Service Selection Dashboard software 110 (Figure 1) which is made available to an administrator.

Prasad does not disclose determining the compatibility of software of the client in comparison to a predetermined access control protocol for access to the virtual network as per the claimed feature of claim 1 or the similar feature of claim 11 relating to determining the compatibility of software of the client with, i.e., in comparison to, a predetermined access control protocol for access to the virtual network.

In view of the comments in point 10 of the second Office action, the word “with” of claim 1, as submitted prior to the final rejection and under consideration at this time, has been incorrectly interpreted to mean “using” (“the IP protocol which is established by the client to communicate with the Service Selection Dashboard 110” in the case of *Prasad*). The wording of claim 1 is directed to a method in which a determination is made as to the compatibility of the software of the client with a predetermined access control protocol used in the virtual network. Similarly, claim 11 recites processing means for determining the compatibility of the software of the client with a predetermined access control protocol for access to a telecommunications network.

Also, *Prasad* does not disclose the requirement of claim 1 for determining the compatibility of the software of the client. In *Prasad*, the client is a software process (Col 5, lines 24 à 32 : “Client 102 is a browser process such as Microsoft Internet Explorer, Netscape Communicator, etc., executed by an end station device such as a personal computer, workstation, personal digital assistant, etc. Link 104A is an HTTP link...”). Thus, *Prasad* does not propose to determine the compatibility of Internet Explorer or Netscape, for instance, with respect to a protocol. The Office Action thus includes an erroneous interpretation of the *Prasad* software. *Prasad* does not include the similar requirement of claim 11.

As mentioned in the response to the first Office Action, *Prasad* only enables a user to subscribe to one or more services, if the user has the necessary privileges for the requested subscriptions (steps 5-010 of figure 5B). If the user does not have the necessary privileges, the user cannot access the requested service(s). This is clearly different from the method of claim 1 or the system of claim 11 which allows clients with varied equipment and software to subscribe to a service provider, and thus to one or more services, even if such clients do not have software that is compatible with the access control protocol used in the telecommunication network.

Page 2 of the final Office Action, in the Response to Arguments section, incorrectly alleges *Prasad* teaches the features of claim 1 because *Prasad* determines “whether the subscription of the client needs to be modified based on the user who can select the desired service of subscription using IP Protocol.” This is incorrect for at least two reasons. First, as described supra, in *Prasad* it is software of the client which is made compatible and not the modification of a subscription of a client. Second, in *Prasad*, the software of the client is compared to the predetermined access control protocol for a compatibility determination. If the software and protocol are not compatible, information to make the software compatible with the protocol is transferred to the client as claimed in claim 1. A user selecting a subscription “using IP Protocol” is not claimed in claim 1. The Office Action appears to be incorrectly focused on the use of an IP protocol by a user selecting a desired service of subscription. For at least the additional foregoing reasons, claim 1 is not anticipated by *Prasad* and withdrawal of the rejection is in order.

The same rationale is applied to the improper rejection of claim 11.

Claims 2-9, 12, 15 and 16 are allowable with claims 1 and 11.

With regard to the rejection of claims 10 and 13 under 35 USC 103(a),

Addington relates to provisioning services (e.g., pay per view) in a television network for instance. *Addington* configures a host in a cable set top box when such a box is purchased by a subscriber. Host files (e.g., software) are downloaded in the host by the retailer to provide the subscriber with added or modified services.

The Office Action fails to set forth a prima facie case of obviousness. One of ordinary skill in the art would not have modified *Prasad* as a result of *Addington* to arrive at the multiplexer of claim 13. *Prasad* modifies the services subscribed to by a user of a portable two way telecommunication device. *Addington* configures a host in a pay per view cable television set top box when such a box is purchased by a subscriber from a retailer. The technologies of *Prasad* and *Addington* are diverse with respect to each other such that one of ordinary skill in the art who is familiar with the *Prasad* arrangement would not have looked to *Addington* for modification of the *Prasad* arrangement. Consequently, the rejection of claim 10 and claim 13 is incorrect and the subject matter of claim 10 and claim 13 is not obvious and meets the requirements of 35 USC 103(a).

Prasad and *Addington* are so unrelated to each other and *Addington* is so unrelated to the subject matter of claims 10 and 13 that one of ordinary skill in the art would not have relied on the combination of *Prasad* and *Addington* to reach the method of claim 10 or the multiplexer of claim 13. The combination is the result of hindsight.

Allowance is in order.

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To the extent necessary, a petition for an extension of time under *37 C.F.R. 1.136* is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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